

Jaromin, Michelle

From: Ehrich, Delmar R. [DEhrich@faegre.com]
Sent: Wednesday, January 21, 2009 1:48 PM
To: Xidis, Claire
Cc: lbullock@bullock-blakemore.com; driggs@riggsabney.com; rgarren@riggsabney.com; dpage@riggsabney.com; Jorgensen, Jay T.; George, Robert; Scott McDaniel; Robert Sanders; John Elrod; James Graves; Theresa Noble Hill; Rockwood, Linda L.; Collins, Melissa C.
Subject: Stratus Damages Reports/Missing Considered Materials

Dear Ms. Xidis, I write on behalf of the defendants in this action to demand that the plaintiff immediately 1) produce all materials as to the identity of, and contact information for, the survey participants and 2) produce the transcripts, videotapes and/or audio tapes of interviews of such survey participants. The defendants clearly have the right to know the names of the survey participants whose opinions about the Illinois River Watershed and Lake Tenkiller form the basis for the Stratus damage reports. Further, the defendants have the right to determine whether the survey was appropriately administered and evaluated.

This information should have been provided along with the Stratus report on January 5. The plaintiff's failure to provide this information immediately will further prejudice the defendants in preparing rebuttal damage experts within the deadlines provided in the current case management order.

Further, please note that the defendants continue to review the materials on the hard drive that accompanied the Stratus reports. We expect, therefore, that we will shortly send you a list of other materials that Stratus necessarily would have generated in the course of preparing the contingent valuation and which appear not to have been included on the hard drive delivered to defendants.

I would appreciate hearing from you at your earliest opportunity.

Del Ehrich